

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

DENNIS LOCKETT,)	
)	
Claimant,)	IC 03-001478
)	
v.)	ORDER
)	
QUALITY ELECTRIC, INC.,)	
)	
Employer,)	Filed: February 11, 2005
)	
and)	
)	
CLARENDON NATIONAL INSURANCE)	
COMPANY,)	
)	
Surety,)	
Defendants.)	
)	

Pursuant to Idaho Code § 72-717, Referee Rinda Just submitted the record in the above-entitled matter, together with her proposed findings of fact and conclusions of law, to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendations of the Referee. The Commission concurs with these recommendations. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant has failed to carry his burden of proving that his synovial cyst was caused, more likely than not, by his industrial accident.
2. The Commission declines the invitation to review the letter from Defendants to Dr. Silver. Regardless of the content of the letter, Defendants failed to comply with the

Referee's October 18, 2004 Order. The Referee's Order of October 21, 2004 excluding all evidence from Dr. Silver is affirmed.

3. All other issues are moot.

4. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all matters adjudicated.

DATED this 11th day of February, 2005.

INDUSTRIAL COMMISSION

/s/ _____
Thomas E. Limbaugh, Chairman

/s/ _____
James F. Kile, Commissioner

/s/ _____
R.D. Maynard, Commissioner

ATTEST:

/s/ _____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of February, 2005, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following persons:

RICHARD S OWEN
PO BOX 278
NAMPA ID 83653-0278

ALAN R GARDNER
PO BOX 2528
BOISE ID 83701-2528

djb /s/ _____